IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2352 of 1990

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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Versus

GUJARAT AFFILIATED COLLEGES SERVICES TRIBUNAL

Appearance:

1. Special Civil Application No. 2352 of 1990

MR BJ JADEJA for Petitioner No. 1

RULE SERVED for Respondent No. 1,4

MS MAITHILI D MEHTA for Respondent No. 2-3

GOVERNMENT PLEADER for Respondent No. 5

MR MILAN S JOSHI for Respondent No. 6

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA

Date of decision: 28/08/2003

ORAL JUDGEMENT

#. Learned counsel Mr.Mazgaonkar appearing for the respondent states that the petitioner has been appointed

on the post in question. Therefore, this petition has become infructuous.

#. In view of the above, this petition has practically become infructuous and accordingly it is required to be dismissed as having become infructuous. However, learned counsel Mr.Jadeja for the petitioner states that the petitioner was entitled to be appointed on the post the day on which private respondent No.6, who was junior to him, was appointed. Mr.Joshi, learned counsel appearing for private respondent No.6 stated at the Bar that respondent No.6 has already resigned from the post of Head of the Department on 17.7.2003, but he is continued on the post of Tuitor. His resignation from the post of Head of the Department is accepted by the university on the next day i.e. on 18.7.2003, but he is continuing on the post of Tuitor.

#. If the petitioner has any grievance about the notional benefits, then he can make representation to the respondent-University. As and when such representation is made by the petitioner, the same shall be decided by the respondent authorities in accordance with law. It is made clear that whatever benefits earned by respondent No.6 on the post of Head of the Department shall not be disturbed by the University, while deciding representation of the petitioner.

Accordingly, this petition is disposed of. Rule is discharged with no order as to costs.

(B.J.Shethna, J.)
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